

1 Filed by:
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Paper 82

10
11 UNITED STATES PATENT AND TRADEMARK OFFICE
12

13
14 BEFORE THE BOARD OF PATENT APPEALS
15 AND INTERFERENCES
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18 ROBERT H. GRUBBS, DONALD W. WARD,
19 THOMAS J. SEIDERS and STEVEN D. GOLDBERG,
20

21 Junior Party
22 (Application 10/124,745),
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24 v.
25

26 STEVEN P. NOLAN and JINKUN HUANG,
27

28 Senior Party
29 (Application 09/392,869).
30

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32 Patent Interference 105,374 (McK)
33 Technology Center 1600
34

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36 Entered: 5 June 2007
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39 *Before: FRED E. McKELVEY, Senior Administrative Patent Judge, and*
40 *SALLY GARDNER LANE, and JAMES T. MOORE, Administrative Patent*
41 *Judges.*

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43 McKELVEY, *Senior Administrative Patent Judge.*
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45 JUDGMENT
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1 Nolan Substantive Motion 2 (Paper 75) moves to concede priority to
2 Grubbs as to Count 4. The Motion is treated as a request for entry of an
3 adverse judgment against Nolan as to Count 4. 37 C.F.R. § 41.127(b)
4 (2006).

5 Grubbs has requested entry of an adverse judgment as to Count 5 and
6 Count 6. Paper 73.

7 Upon consideration of Nolan Substantive Motion 2 and the request for
8 entry of an adverse judgment by Grubbs, it is

9 ORDERED that judgment on priority as to Count 4 is awarded
10 against Senior Party Steven P. Nolan and Jinkun Huang.

11 FURTHER ORDERED that Senior Party Steven P. Nolan and
12 Jinkun Huang is not entitled to a patent containing claims 9, 11-13, 23-24,
13 27-32, 39-40, 45-46, 51-52, 55-56, 59, 61, 63, 65, 77, 89, 91 and 107-109
14 (corresponding to Count 4) of:

15 Nolan application 09/392,869
16 filed 09 September 1999
17

18 FURTHER ORDERED that judgment on priority as to Count 5
19 and Count 6 is awarded against Junior Party Robert H. Grubbs, Donald W.
20 Ward, Thomas J. Seiders and Steven D. Goldberg.

21 FURTHER ORDERED that Junior Party Robert H. Grubbs,
22 Donald W. Ward, Thomas J. Seiders and Steven D. Goldberg is not entitled
23 to a patent containing claims 1-9, 11-15, 17-25, 27-34 and 41-47
24 (corresponding to Count 5) of

25 Grubbs application 10/124,745
26 filed 16 April 2002
27

1 FURTHER ORDERED that Junior Party Robert H. Grubbs,
2 Donald W. Ward, Thomas J. Seiders and Steven D. Goldberg is not entitled
3 to a patent containing claims 1-9, 11-15, 17-25, 27-34 and 41-47
4 (corresponding to Count 6) of

5 Grubbs application 10/124,745
6 filed 16 April 2002
7

8 FURTHER ORDERED that if there is a settlement agreement,
9 attention is directed to 35 U.S.C. § 135(c).

10 FURTHER ORDERED that a copy of this JUDGMENT
11 shall be placed in the files of (1) Nolan application 09/392,869, filed
12 09 September 2000, and (2) Grubbs application 10/124,745, filed 16 April
13 2002.

14 FURTHER ORDERED that the Clerk is directed to distribute
15 the files upon entry of this JUDGMENT.
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19	<u>/ss/ Fred E. McKelvey</u>)	
20	FRED E. McKELVEY)	
21	Senior Administrative Patent Judge)	
22)	BOARD OF
23	<u>/ss/ Sally Gardner Lane</u>)	PATENT
24	SALLY GARDNER LANE)	APPEALS
25	Administrative Patent Judge)	AND
26)	INTERFERENCES
27	<u>/ss/ James T. Moore</u>)	
28	JAMES T. MOORE)	
29	Administrative Patent Judge)	

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